

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

-against-

MEDICAL MARIJUANA, INC.,  
DIXIE ELIXIRS AND EDIBLES,  
RED DICE HOLDINGS, LLC, and  
DIXIE BOTANICALS,

Defendants,  
-----X

Civil Action No:  
15-cv-701 FPG/MJR

**NOTICE OF CROSS-MOTION  
BY PLAINTIFF**

PLEASE TAKE NOTICE that pursuant to FRCP 54(b); and upon the Declaration of Jeffrey Benjamin, Esq., dated September 13, 2019, the Affidavit of Dr. Kenneth Graham, the annexed Memorandum of Law and all Exhibits, papers and proceedings herewith and heretofore had herein, Plaintiff will move this Court before the Hon. Frank P. Geraci, Jr. United States District Judge at the U.S. Courthouse, 2 Niagara Square Buffalo, New York 14202 for an Order pursuant to F.R.C.P. 54(b) granting Plaintiff a revision of the Court's Decision and Order of April 17, 2019 as to the finding that the subject product that the "CBD byproduct from the extraction process [is a] 'resin extracted from' the Cannabis sativa plant." (Dkt. No. 88, p. 10), along with such other and further relief as this Court deems just proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Court Rules, answering/reply affidavits, if any, are required served to the undersigned within fourteen (14) days.

Dated: New York, New York  
September 13, 2019

Respectfully Submitted,  
KUPILLAS, UNGER & BENJAMIN, LLP

*Jeffrey Benjamin*

Jeffrey Benjamin, Esq.  
5 Penn Plaza, 23<sup>rd</sup> Floor  
New York, New York 10001  
(212) 655-9536  
[jbenjamin@nyfraudlaw.com](mailto:jbenjamin@nyfraudlaw.com)